

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AACTE, *et al.*,

PLAINTIFFS,

v.

McMAHON, *et al.*,

DEFENDANTS.

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No. 25-cv-702 (JRR)

NOTICE REGARDING REQUEST FOR BOND

Undersigned counsel recently became aware of a March 11, 2025 executive order titled, “Ensuring the Enforcement of Federal Rule of Civil Procedure 65(c).”¹ The order requires the Government to request a bond in cases challenging President Trump’s policies. Accordingly, Defendants respectfully modify their position regarding their request for bond in this case.

A temporary restraining order would also impose significant and unrecoverable costs on Defendants. Plaintiff’s proposed relief would require the federal government to release millions of dollars in grant funds it may never recover even if it prevails in this action. Defendants thus request that any relief be accompanied by a bond under Fed. R. Civ. P. 65(c), which provides that “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” A bond is appropriate here given that any preliminary relief would potentially mandate that the Executive spend money that may not be recouped once distributed.

¹ The order is available online at: <https://www.whitehouse.gov/presidential-actions/2025/03/ensuring-the-enforcement-of-federal-rule-of-civil-procedure-65c/> and is attached as ECF 30-1.

Other courts in this district have ordered bond in challenges to the Trump administration's actions. Judge Abelson ordered nominal bond in *Nat. Assoc. of Diversity Officers in Higher Educ. v. Trump*. No. 25-cv-00333-ABA, ECF No. 44, at 63 (D. Md. Feb. 21, 2025). Judge Bedar yesterday ordered posting of a \$2,000 bond in a case challenging termination of probationary employees. Order, *State of Maryland v. U.S. Dept. of Ag.*, No. 25-cv-748-JKB, ECF No. 44 (D. Md. Mar. 13, 2025).

Accordingly, pursuant to the executive order and Federal Rule of Civil Procedure 65(c), the Government respectfully requests a bond in an amount "equal to the Federal Government's potential costs and damages from a wrongly issued injunction," to be determined after Plaintiffs provide an accounting of all grants to be restored. ECF 30-1 at 2.

Respectfully submitted,

KELLY O. HAYES
U.S. Attorney

/s/

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